

Senate Bill No. 1692

Passed the Senate August 23, 2004

Secretary of the Senate

Passed the Assembly August 19, 2004

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day of
_____, 2004, at _____ o'clock __M.

Private Secretary of the Governor

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CHAPTER _____

An act to amend Section 49455 of the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

SB 1692, Vasconcellos. Pupil health: vision appraisal.

(1) Existing law requires, upon first enrollment in a California school district of a pupil at a California elementary school, and at least every 3rd year thereafter until the pupil has completed the 8th grade, the pupil's vision to be appraised by the school nurse or other authorized person, as specified.

This bill would also require that if a vision appraisal is conducted, each pupil is to receive a notice and questionnaire regarding pupil vision, as specified. The bill would require each school to commence that distribution no later than September 1, 2005.

The bill would, in addition, set forth the text of the notice and the manner in which the State Department of Education is required to develop the questionnaire. The bill would provide that the notice and questionnaire may be included with any other written communication sent to a parent or guardian and that in the interest of efficiency a school may suspend the distribution of the notice and questionnaire until the next reprinting of other written communication delivered to a parent or guardian. By imposing additional duties on school districts relating to vision appraisals, this bill would impose a state-mandated local program.

This bill would authorize the department to amend the notice and questionnaire after consultation with qualified eye care professionals.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.



The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares all of the following:

(a) The people of California recognize the significance of ensuring that each and every pupil is tested periodically for vision acuity.

(b) Pupils with treatable vision obstacles that go undiagnosed, whose parent or guardian may not be aware of alternative screening measures available to address their specific needs, can become inattentive, too often underachieve, and are often labeled as “at risk.”

(c) There is growing evidence that many pupils in the public education system, and more within the juvenile justice and correctional systems, who performed poorly in school were affected by undiagnosed vision problems that went undiagnosed based upon the current standards for vision testing.

(d) Good vision consists of more than 20/20 eyesight and the standard for vision screening should maximize the potential for diagnosing treatable vision problems at a time critical to making a difference to the pupil’s educational development by addressing a pupil’s ability to understand and interpret visual information.

SEC. 2. Section 49455 of the Education Code is amended to read:

49455. (a) Upon first enrollment in a California school district of a pupil at a California elementary school, and at least every third year thereafter until the pupil has completed the eighth grade, his or her vision shall be appraised by the school nurse or other authorized person described in Section 49452. This evaluation shall include tests for visual acuity and color vision. Color vision shall be appraised once and only on male pupils, and the results of the appraisal shall be entered in the health record of the pupil. Color vision appraisal need not begin until the male pupil has reached the first grade. Gross external observation of the pupil’s eyes, visual performance, and perception shall be performed by the school nurse and the classroom teacher.

(b) (1) (A) Commencing no later than September 1, 2005, upon the performance of an appraisal pursuant to subdivision (a), each pupil shall receive a notice and questionnaire regarding his or her vision. The questionnaire shall serve to raise awareness



among parents and guardians about potential vision-related obstacles that may not have been identified by established vision screening in public schools.

(B) The notice and questionnaire may be included with any other written communication delivered to a parent or guardian. In the interest of efficiency, a school may suspend the distribution of the notice and questionnaire required by this subdivision until the next reprinting of other written communication delivered to a parent or guardian. All costs associated with the production and distribution of the notice and questionnaire shall be paid for using existing funding resources. A school district may not be reimbursed for the costs associated with sending the notice and questionnaire to parents or guardians of pupils not subject to a vision appraisal.

(2) The notice shall contain the following language:

“Dear Parent or Guardian:

Your child’s ability to see clearly and to accurately interpret visual information is crucial to his or her learning and success in school. To aid in identifying additional vision-related difficulties that may not have been discovered through existing visual health testing procedures at your child’s school, but may merit treatment by a qualified eye care professional, the Legislature has passed a law requiring that a notice and questionnaire be sent home with your child if he or she has received vision acuity or color visual screening at their school.

Enclosed with this notice is a questionnaire that you are encouraged to complete. If this questionnaire raises questions or concerns for you regarding the health or learning abilities of your child, you may wish to have your child seen by an eye care provider.”

(3) In order to make the questionnaire available by September 1, 2005, pursuant to subparagraph (A) of paragraph (1), the department shall do either of the following:

(A) Adopt a questionnaire, if available, that has been scientifically validated. If a scientifically validated questionnaire is not available, the department may review other available questionnaires and shall select one for adoption.



(B) Develop a questionnaire in consultation with the State Department of Health Services and with input from the California Academy of Ophthalmology and the California Optometric Association.

(c) Notwithstanding paragraphs (2) and (3) of subdivision (b), the department may amend the notice and questionnaire after consultation with qualified eye care professionals.

(d) The evaluation and appraisal performed pursuant to this section may be waived, if the pupil's parents so desire, by their presenting of a certificate from a physician and surgeon or an optometrist setting out the results of a determination of the pupil's vision, including visual acuity and color vision.

(e) This section does not apply to any pupil whose parent or guardian files with the principal of the school in which the pupil is enrolling, a statement in writing that the parent or guardian adheres to the faith or teachings of a well-recognized religious sect, denomination, or organization and in accordance with its creed, tenets, or principles depend for healing upon prayer in the practice of their religion.

SEC. 3. It is the intent of the Legislature that funds appropriated to implement existing vision appraisal services shall be used to support the requirements imposed by subdivision (b) of Section 49455 of the Education Code.

SEC. 4. State and federal funds appropriated in support of pupil vision appraisals or screening programs, including, but not limited to, funds made available through an appropriate item in the annual Budget Act, shall be considered additional revenue in accordance with subdivision (e) of Section 17556 of the Government Code and shall be used to offset any state-mandated local costs incurred by school districts when complying with this act.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because this act provides for additional revenue that is in an amount sufficient to fund the cost of the state mandate within the meaning of Section 17556 of the Government Code.



Approved _____, 2004

Governor

